IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECURITY SOFTWARE SYSTEMS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 05 C 3787
	)	
SECURITY SOFTWARE SYSTEMS, LTD., et al.,	)	
	)	
Defendants.	)	

AMENDMENT TO MEMORANDUM OPINION AND ORDER[1]

At the conclusion of the Opinion this Court directed Software, Inc. and its counsel to show cause why either or both of them should not be sanctioned for violation of the Order. Although the Opinion framed the possible imposition of sanctions in part by reference to Rule 11(b), this Court's current examination of the case docket reveals that Software, Inc. has made no filings since the entry of the Order (instead the violation of the Order has taken the form of inaction rather than action).

By definition that takes the possible invocation of Rule 11(b) and 11(c) out of play, so that the Opinion must be and is amended to identify this Court's inherent power rather than that Rule as a potential source for imposing sanctions if the show-cause order produces an unsatisfactory response. Until the

[1] All defined terms in this Court's August 22 memorandum opinion and order ("Opinion") will be employed here as well, without the need for redefinition.

response is in hand it is of course premature to consider whether sanctions may be appropriate or the form that sanctions should take if they are indeed imposed, but as to the responsibility of counsel regarding the nonappealability of the Order attention is directed to our Court of Appeals' opinion in McCandless v. Great Atl. & Pac. Tea Co., 697 F.2d 198, 201 (7th Cir. 1983)("Unlike a party, an attorney should be able to do the necessary research to evaluate properly the merits of the claim").

Milton I. Shadur
Senior United States District Judge

Date: August 23, 2006